

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicant : Hiroyasu Karimoto et al.
Appln. No. : 09/869,647
Filed : July 2, 2001
Title : CREATION ASSISTING METHOD AND APPARATUS
UTILIZING ELEMENT INDEXES

Conf. No. : 5920
TC/A.U. : 2176
Examiner : William L. Bashore

Customer No. : 000,116
Docket No. : 33764

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This reply brief is filed in response to an Examiner's Answer, which was mailed on March 6, 2007. Therefore, the two-month period for filing this reply brief pursuant to 37 CFR § 41.41(a)(1) expires on May 6, 2007.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 16-0820, our Order No. 33764.

STATUS OF CLAIMS

Claims 1-32 stand finally rejected by the Office Action of August 3, 2005 and are forthwith appealed to the Board of Patent Appeals and Interferences.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 8-10, 15-21 and 23-32 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,340,978 to Mindrum (hereinafter "Mindrum") in view of U.S. Patent No. 6,694,482 to Arellano et al. (hereinafter "Arellano").

Claims 4-5 and 11-12 were rejected under 35 U.S.C. §103(a) over Mindrum in view of Arellano, and further in view of U.S. Patent No. 6,694,311 to Smith (hereinafter "Smith").

ARGUMENT

Applicants have argued that neither Mindrum nor Arellano teaches or suggests "extracting, from said database, element indexes for multiple creation elements that match a selection reference" and "linking creation elements corresponding to element indexes that belong in said set, and outputting the results as a new creation," as required by claim 1 and similarly by claim 8.

In response, the Examiner points to col. 12, lines 34-37 of Mindrum for the storage of media-type information of the profiled person (hereinafter "subject") and col. 4, lines 32-47 for the "Growing Memories" variation and asserts that Mindrum teaches a user accessing the database for specific information via an interactive headstone; and the results are outputted as a (new) creation (col. 15, lines 64-67), as set forth in the rejected claims. The Examiner does not appear to appreciate that Mindrum focuses on compiling life information data of a subject in chronological order into a life story or growing memory for the timeless preservation of the subject's life. In particular, the Mindrum interactive headstone includes "a microchip with

subject life story programmed in” in order to “play back information at the gravesite” (col. 15, lines 50-53). The headstone has a slider life line bar to allow a viewer to view a selected time period of the subject’s life story. In addition to the life story, a specific type of recordation can be selected for viewing on a separate or different screen such as a photo screen. The photo screen includes a list of photo recordations linked to the screen, whereupon selection of a listed item, the viewer can view a photo as it is selected for viewing. Contrary to the Examiner’s contention, the selection or viewing of each selected photo does not constitute a new creation but rather a partial view of the existing creation (subject’s life story). The viewing of such selected photos or the viewing of any other type of selected recordation type does not create or result in the creation of a new creation. In fact, the premise and intent of Mindrum is well described as creating a chronological life story of the subject using various types of recordations submitted by the subject or by others. The life story is the creation which preserves in a timeless manner a chronological order of the events, activities, etc. that occurred or took place in the subject’s life. Therefore, a user’s selection of photos or video clips on the interactive headstone for viewing does not constitute the formation or output of new creations.

Furthermore, the Mindrum life story and growing memory are developed and formed for each subject via a template that includes the format or style chosen during the ordering process. Mindrum only discloses that the recordations collected via ‘the Life Pack’ are scanned, entered into a database management system, subjected to quality control procedures, and then stored in permanent archives and further that the submitted recordations are compiled and organized for the future. Mindrum is otherwise silent on the techniques, methods, or manner of assembling the submitted data into the life story. Thus, there would have been no motivation to combine or modify Mindrum with a method that dynamically adapts to a user or a user’s trends as disclosed in Arellano et al. Thus, a *prima facie* case of obviousness has not been made which it sufficient

to maintain a rejection under 35 U.S.C. 103(a). For at least these reasons, it is again respectfully requested that the rejection be reversed.

Respectfully submitted,
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Date: May 4, 2007

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